

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 16, 2019, in the City Commission Meeting Room with Mayor Geitz presiding and Commissioners Giefer, Gilligan, Mlynar and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of September for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2018	2019	Increase of \$60,728.11 for the month, and
	\$399,419.42	\$460,147.53	Overall increase of 2.35% from year 2018
YTD	\$3,614,863.95	\$3,699,831.85	

2. City Share from County Tax

	2018	2019	Increase of \$32,849.44 for month, and
	\$ 197,818.14	\$229,667.58	Overall increase of 2.52% from year 2018
YTD	\$1,782,460.14	\$1,827,432.99	

3. Building Permits issued from 9/1/2019 to 9/30/2019 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	58
Total of valuations associated with those building permits:	\$5,439,580.00
Total number of dollars collected for Building Permit Fees:	\$ 20,962.88
Construct - single family dwellings	1
Demo - single family dwellings	1

Flint Hills Mall CID for September	\$ 18,651.40
Year to Date Total	\$ 152,850.51

Consent Agenda

Commissioner Gilligan requested that item d, Consider Set Bid Time and Date for three New Pick-ups for Code Services, Sanitation, and Street Department, be removed from the Consent Agenda.

It was moved by Commissioner Gilligan, seconded by Commissioner Smith that the remaining balance of the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on October, 2, 2019.
- b. Consider ratification of Payroll Ordinance for the period ending

on October 11 2019.

- c. Consider the Approval of September Budget.
- e. Consider Change Order No. 1 for the Roosevelt Plaza & Legacy Lofts Paving Project No. PV1805.

The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Geitz, aye.

**CONSENT AGENDA
(Item d)**

- d. Consider Set Bid Time and Date for three New Pick-ups for Code Services, Sanitation, and Street Department.

Commissioner Gilligan asked if there were any police vehicles that would be transferred to Code Services.

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated currently there were no other vehicles to be transferred from another department. All vehicles that are in use in departments now will remain that way for a few more years. The vehicles that are being replaced are old and in bad condition with no extended life.

Following further discussion, Commissioner Smith made a motion to approve item d. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; Mayor Geitz, aye; and Commissioner Gilligan, nay.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

Sharon Tidwell, representing Emporia Rotary Club, was in attendance to accept a proclamation declaring October 24, 2019, as "World Polio Day" in Emporia. She stated Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, to immunize the

children of the world against polio. Polio cases have dropped by 99.0 percent since 1988 and the world stands on the threshold of eradicating the disease. To date, Rotary has contributed more than \$1.9 billion and countless volunteer hours to protecting more than 2.5 billion children in 122 countries. She stated in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$8 billion to the effort. She encouraged all citizens in the fight for a polio-free world.

Mayor Geitz then presented the proclamation.

ENGINEERING
(6TH Avenue Water Main Improvements Project No. WM1901)
(Merchant Street to Commercial Street)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated on October 8, 2019 the City Engineer's Office publicly reopened bids on the 6th Avenue Water Main Improvements (Merchant Street to Commercial Street) Project No. WM1901. There were three (3) bidders out of three (3) plan holders submit a bid. The bids received and the Engineer's Estimate are as follows:

BID TABULATION FOR 6TH AVE. WATER MAIN IMPROVEMENTS

Contractor	Base Bid
Rubick Construction, Inc.	\$179,842.86
S.R. Coffman Construction, Inc.	\$182,721.04
Nowak Construction Co., Inc.	\$256,846.00
Engineer's Estimate	\$180,000.00

He stated the total project is funded out of the Water Fund. Staff is recommending awarding the project to the low bid submitted by Rubick Construction, Inc., in the amount of \$179,842.86.

Following further discussion, Commissioner Giefer made a motion awarding the bid for the 6th Avenue Water Main Improvements (Merchant Street to Commercial Street) Project No. WM1901 to Rubick Construction, Inc. , in the amount of \$179,842.86. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

CITY COMMISSION
(Authorize General Obligation Bonds - \$850,000.00)
(Public Safety Equipment - Radios)
(Ordinance Number 19-22)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO ACQUIRE PUBIC SAFETY EQUIPMENT; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 19-22, was presented to the Governing Body for their consideration.

It was the consensus of the Commission this item be tabled. There were concerns about the number of radios to be purchased; contract obligations for a Rural Fire District; cost of the radios; and safety equipment replacement procedure.

Commissioner Giefer made a motion to table this item for further information about concerns about the purchase until November 6, 2019. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Gilligan, Commissioner Smith, aye; Mayor Geitz, aye; and Commissioner Mlynar abstained.

BUILDING CODES
(Adoption of the 2015 International Residential Code (IRC)
(Amendments)
(Ordinance Number 19-22)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, PERTAINING TO THE INTERNATIONAL RESIDENTIAL CODE; AMENDING SECTION 8-4 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, to which the City Clerk assigned Ordinance Number 19-22, was presented to the Governing Body for their consideration.

Kory Krause, Chief Building Inspector, was recognized and addressed the Governing Body. He stated the Building Trades Board has reviewed the amendments for the 2015 International Residential Code to replace the City's current 2006 International Residential Codes. He stated these codes are the bare minimum standards for which life safety, building safety and construction specifications are required for residential, work place and business. The Commission reviewed the amendments at a previous study session and indicated its support.

Commissioner Gilligan made a motion to approve Ordinance Number 19-22, an ordinance adopting the 2015 International Residential Code for the City

of Emporia. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

BUILDING CODES
(Adoption of the 2015 International Building Code (IBC)
(Amendments)
(Ordinance Number 19-23)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO THE INTERNATIONAL BUILDING CODE, ADDING SECTION 8-4.1 ADOPTING THE INTERNATIONAL BUILDING CODE, AS AMENDED AND INCORPORATED IT INTO THE CODE OF THE CITY EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 19-23, was presented to the Governing Body for their consideration.

Kory Krause, Chief Building Inspector, was recognized and addressed the Governing Body. He stated Building Trades Board has reviewed the amendments for the 2015 International Building Code to replace the City's current 2006 International Building Codes. He stated these codes are the bare minimum standards for which life safety, building safety and construction specifications are required for residential, work place and business. The Commission reviewed the amendments at a previous study session and indicated its support.

Commissioner Gilligan make a motion to approve Ordinance Number 19-23, an ordinance adopting the International Building Code for the City of Emporia. Commissioner Giefer seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

CODE SERVICES
(Adoption of the Building and Construction Regulations)
(Amendments)
(Ordinance Number 19-24)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO THE BUILDING CONSTRUCTION REGULATIONS; AMENDING SECTION 8-3 ADOPTION OR BUILDING AND CONSTRUCTION REGULATIONS, to which the City Clerk assigned Ordinance Number 19-24, was presented to the Governing Body for their consideration.

Kory Krause, Chief Building Inspector, was recognized and addressed the Governing Body. He stated the Building Trades Board, the Residential

and Commercial Review Committee and Code Services have reviewed the updates to the 2015 International Building Code and 2015 International Residential Code and recommend adoption of the ordinance to reflect the general changes to an aging document. The Commission reviewed the amendments at a previous study session and indicated its support.

Commissioner Giefer made a motion to approve Ordinance Number 19-14, an ordinance amending the building and construction regulations as stated. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(Kansas State Water Revolving Loan Fund)
(Financing of Municipal Water System Projects)
(Ordinance Number 19-25)**

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN EMPORIA, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT, ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION HERewith; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT, to which the City Clerk assigned Ordinance Number 19-25, was presented to the Governing Body for their consideration.

City Manager McAnarney stated the City of Emporia has worked with representatives of Kansas Department of Health and Environment on entering in a loan fund for the improvements of water system projects. The primary advantage of this loan program is the interest rate is subsidized and established at 2.01% over a 20-year amortization schedule. He stated an application was submitted to obtain a loan from the Revolving Fund to finance the costs of improvements consisting of the following: replace existing waterlines, valves, and fire hydrants within the distribution system, rehabilitate the existing water storage facility, and constructing a new pre-sedimentation basin at the existing water treatment plant. More detailed projects are as follows: 9th Ave. & Elm St. waterline; Presedimentation basin; 7th Ave. & Garfield waterlines; 12th Ave. water tower upgrade & rehab.; 12th Ave., waterline; under railroad along Prairie St. to

South Ave., waterline; Lincoln St., under I-35 Hwy connection waterline; 6th Ave., Funston to Lincoln St., waterline; Constitution, Cottonwood, Rural, Sylvan Streets under BNSF waterline. He stated the City of Emporia has been approved for a loan in an amount not to exceed \$9,969,863.00 in order to finance the projects.

Commissioner Smith made a motion to approve Ordinance Number 19-25, an ordinance authorizing a Loan Agreement between the City of Emporia, Kansas and the Kansas Department of Health and Environment for the financing of municipal water system projects. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Geitz, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR OCTOBER 23RD STUDY SESSION @9:30 A.M.

Stormwater Becker Addition and WOTUS Update.

Alley maintenance

Update on Utility Rates discussion

Review Ordinance and Update to the City's Water Conservation Plan.

Emporia Land Bank Request for Funding.

Moderate Income Housing Program.

Insurance Discussion

Joint Luncheon w/Emporia Main Street

EXECUTIVE SESSION

Commissioner Mlynar made a motion to adjourn into Executive Session for Consultation with the City Attorney regarding a privileged legal matter from 7:28 p.m. to 7:43 p.m., in the City Conference Room. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Gilligan, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

Upon reconvening the meeting in Regular Session, a 7:43 p.m., this same date, in the City Conference Room, Mayor Geitz stated they had consultation with the City Attorney regarding a privileged legal matter and no action was taken.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of a corporation and to invite City Engineer, Jim Ubert from 7:43 p.m. to 7:58 p.m., in the City Conference Room. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

Upon reconvening the meeting in Regular Session, at 7:58 p.m., this same date, in the City Conference Room, Mayor Geitz stated they had discussed proprietary information of a corporation and no action was taken.

Commissioner Mlynar then made a motion to adjourn. Commissioner Giefer seconded the motion. The vote follows: Commissioner Mlynar aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

Jon Geitz, Mayor

ATTEST:

Kerry Sull, City Clerk